IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6611 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

DILIPKUMAR RAMANLAL PATEL

Appearance:

Mr IM Pandya AGP with MR SP HASURKAR for Petitioners

MR DV PARIKH for Respondent No. 1

Shri Pujari A. GOVERNMENT PLEADER for Respondent No. 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 19/09/2000

ORAL JUDGEMENT

Learned AGP Mr. Pandya is appearing for the petitioner State of Gujarat with Mr.SP Hasurkar,learned Addl.GP. Learned advocate Mr.Deven Parikh has appeared

for the respondents. In this petition, the petitioner is challenging the order dated 4th December, 1993 passed by the Urban Land Tribunal, Ahmedabad in appealno. 84 of 1983 under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976. This petition was admitted by this court on 25.9.97 wherein rule is made r eturnable on 8th October, 1997 and no interim relief has been granted bythis court at that time. In this matter, respondent no.1 has filed affidavit in reply.

Today,when thematter has been taken up for hearing, learned AGP Mr. Pandya has produced on record letter dated 6th July, 2000 issued by the competent authority, Baroda wherein it is specifically mentioned that in the present petition, the competent authority has passed order under sec.8(4) dated 13.4.1983 and, thereafter, no further proceedingts were initiated by the competent authority under sec. 10(2) to 10(6). Meaning thereby, it has been made specifically clear that no further proceedings have been initiated by the competent authority after the order dated 13.4.1983. It is also made clear in the said letter that the possession of the land in question has not been taken over by the State Government. It is also made clear therein that now no further proceedings are required to be initiated considering the effect of the provisions of the Repeal Act, 1999. Considering the fact that the possessionof the excess land has not been taken over by the State Government, the proceedings have abated.

The Urban Land (Ceiling and Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution d ated 30.3.1999 passed under Art. 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned herein do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

Therefore, this petition is disposed of as having abated. Rule is discharged. No order as to costs.

19.9.2000. (H.K. Rathod,J.)

Vyas